

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN MONTTOYA CARLOS,

Defendant.

4:14-CR-3109

MEMORANDUM AND ORDER

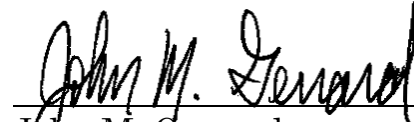
This matter is before the Court on correspondence from the defendant that the Court has filed as a motion to reduce sentence. [Filing 81](#). The defendant's motion will be denied. The defendant's motion is substantially identical to the motion to reduce sentence ([filing 79](#)) that the Court received on May 4, and denied on May 7. See [filing 80](#). For the reasons explained in the Court's May 7 order ([filing 80](#)), the defendant's arguments for a sentence reduction are without merit.

The only new point the defendant makes in his latest motion is a citation to *United States v. Perlaza-Ortiz*, in which the Fifth Circuit held that a Texas conviction for "deadly conduct" was not a "crime of violence" for purposes of sentence enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(ii) (2015). [869 F.3d 375, 379 \(5th Cir. 2017\)](#). But that decision has no bearing on the defendant's case: the defendant was not convicted of illegal reentry, which is the charge to which § 2L1.2 applies, nor was the defendant's offense conduct enhanced for a "crime of violence" under any definition pursuant to any other guideline or statute. See [filing 64](#). Accordingly,

IT IS ORDERED that the defendant's motion to reduce sentence ([filing 81](#)) is denied.

Dated this 16th day of May, 2018.

BY THE COURT:



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John M. Gerrard  
United States District Judge